

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

CLAYTON JAMES HANKS,

Plaintiff,

v.

JASON HILLS, Lieutenant, NICHOLAS
DESOTELLE, Correctional Officer,
DUSTIN ENGH, MICHAEL MARCOTT,
LAWRENCE AMSDEN, CHRIS
SCHULTZ, LUKE RICHLING, TRISTA
SHIELDS, JOHANNES OLIVIER,
EMILY MELLINGEN, and TRAVIS
BRINKLEY, each in their individual and
official capacities; MINNESOTA
DEPARTMENT OF CORRECTIONS;
and CORIZON (company name
unknown),

Case No. 15-cv-4275 (JNE/TNL)
ORDER

Defendants.

In December 2015, Plaintiff Clayton James Hanks filed a complaint alleging violation of his civil rights, naming multiple defendants. Hanks proceeds *pro se* and *in forma pauperis*. In a Report and Recommendation dated November 7, 2016, the Honorable Tony N. Leung, United States Magistrate Judge, recommended that, pursuant to Federal Rule of Civil Procedure 4(m), the action be dismissed without prejudice with respect to Defendant Trista Shields, who has not yet been served. No objection to the Report and Recommendation was made. The Court has nonetheless conducted a *de novo* review of the record. *See* D. Minn. L.R. 72.2(b). Based on that review, the Court adopts the Report and Recommendation [Dkt. No. 72].

Hanks did not object to the Report and Recommendation and has not shown good cause why Rule 4(m) should not be enforced after the United States Marshals were unable to serve Defendant Shields despite reasonable efforts. The reasonableness of the Marshals' efforts to

locate Defendant Shields, starting with the contact information that Defendants presumably provided pursuant to Judge Leung's July 22, 2016 Order, *see* Dkt. Nos. 46 & 63, is reinforced by the fact that similar efforts by the Marshals resulted in the apparently successful service of process on Defendants Luke Richling and Corizon, *see* Dkt. No. 62.

Based on the files, records, and proceedings herein, and for the reasons stated above, IT IS ORDERED THAT:

1. This action is DISMISSED WITHOUT PREJUDICE as against Defendant Trista Shields.

Dated: December 21, 2016

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge